

EXHIBIT 2

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF VENTURA

COURTROOM 33

The People of the State of California) No. CR 24985

vs.)

MICHAEL SCOTT JONES)

Defendant)

REPORT OF PROBATION OFFICER

Hearing Date: Dec. 11, 1989
9:00 a.m.

LEGAL STATUS

Original Charge(s): 187(a) PC w/use of firearm alleg 12022.5(a) PC

Convicted of: 187(a) PC (2nd deg) w/use of firearm alleg 12022.5(a)
PC

Date of Offense: 5-20-89

Guilty by: Jury

Date: 11-13-89

Judge: Storch

Time in Jail: 206 ds AT (see Time In Custody section/worksheet)

Bail: \$250,000 (not posted) O.R.: N/A

Negotiated Plea: N/A

Codefendants: None

Disposition: N/A

Attorney: Public Defender

Probation Officer: Elizabeth A. Krene; Ext. 5122

PERSONAL DATA

It should be noted that the defendant refused to complete the probation forms or to be interviewed. The following information was gathered from CII, DMV, FBI, Ventura Sheriff's Office, and Corrections Services Agency records:

Legal Name: Michael Scott Jones AKA: None known

Address: In custody at Ventura County Jail. Was evicted from 128 Burbank Street, Oxnard.

Phone: None

Age: 26 Date and Birthplace: 6-7-63; San Bernardino, CA

Race/Ethnic Origin: Caucasian Citizenship: U.S.A.
(Country)

Date Arrived in County: Unk State: Unk U.S.: Unk

Sex: M Height: 5'10" Weight: 140 Hair: Blnd Eyes: Blue

Driver's License No: U0151056 SS No: 566-37-4637

Education: Unk

Military Service: Unk Dates: Unk

Type of Discharge: Unk

Health/Handicaps: Unk

Alcohol/Drug Use: Alcohol: The defendant first consumed alcohol at age 15, when he drank two to three beers twice per month. At age 18, his usage increased, and at age 21, he typically drank two to three six-packs per week, and a "six-pack at a time" on weekends. He abstained from alcohol for six months in 1984 following a driving under the influence conviction. At the time of his arrest, his average consumption varied from two to three beers per day to drinking "as much as I could." He stated "I guess I'm an alcoholic," and added "but I can quit any time."/Drugs: He refused to discuss substance abuse.

FAMILY INFORMATION

Father's Name: Stanley Jones Occupation: Unk

Address: 255 Portofino Court, Redondo Beach, CA

Mother's Name: Unk Occupation: Unk

FILED

DATE: 8-7-89
RICHARD D. DEAN, County Clerk
Deputy County Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF VENTURA

Department/Division 33

The People of the State of California) No. CR 24985
)
) vs.) HONOR RELEASE REPORT OF
)) PROBATION OFFICER
MICHAEL SCOTT JONES)
) Defendant) Hearing Date: Aug. 7, 1989
) 9:00 a.m.

True Name: Michael Scott Jones

Address: Ventura County Jail

Age: 26 Date and Birthplace: 6-7-63/San Bernardino, CA

Charge: 187(a) PC, w/ special allegation pursuant to 12022(d) PC

Arrest Date: 5-20-89 Department: CHP

Attorney: DPD Quinn

A preliminary investigation concerning the defendant herein named above has been conducted and the following report is submitted:

X Lives without community ties. For two years, resided at 128 Burbank Street, Oxnard, but has been evicted. Has no local relatives or local address to reside at if released.

X Currently unemployed. Was employed by Conejo Valley Framing in Oxnard for five years and is hopeful he would still have employment there. Owner, Mike Christensen, verified that he worked there "off and on" and was unsure about future employment.

X Has lived within county for 12 years.

X Has minimal record of offenses. See attached California DMV and CII.

1 X Unstable or emotionally disturbed personality. The defendant
2 stated he began drinking two or three beers twice a month at
3 age 15, and his consumption increased at age 18, and again at
4 age 21 when he started going to bars. He drank a six pack at
5 a time on weekends and two or three times during the week.
6 After his arrest for driving under the influence in 1984, he
7 stayed sober for six months but then began drinking again.
8 His consumption varied from two or three beers a day to
9 drinking "as much as I could," for example a 12 pack at a
10 time. When asked, he stated, "I guess I'm an alcoholic. My
11 whole family is alcoholic. But I can quit any time. It's a
12 hereditary disease." He would not discuss drug use. It would
13 appear by his reported .26% blood alcohol level and testing
14 positive for cocaine at the time of his present arrest, that
15 he is at risk for substance abuse.

16 According to Ventura County Sheriff's arrest report #89-36655, on
17 May 20, 1989, at approximately 4:00 a.m., the defendant allegedly
18 shot his roommate, Tom Day, age 32, five times with a .38 caliber
19 revolver. He fled the scene but was arrested nearby and was in
20 possession of the gun. The victim died shortly after being
21 transported to a hospital. According to witnesses, the defendant
22 had been drinking at the Whale's Tail restaurant in Oxnard. While
23 being driven home by a neighbor, he took a handgun out of his
24 pocket and displayed it to the driver, describing it as
25 "protection." They went to the neighbor's residence where they
26 joined others and "partied" until a resident complained. The group
27 then went to the defendant's residence to play cards. Witnesses
28 noticed the defendant was becoming "increasingly loud, foul
29 mouthed, and belligerent." The victim woke up and told the
30 defendant to be quiet. The group left and shortly thereafter,
31 another roommate at 128 Burbank Street heard gun shots and called
32 the police. A witness gave police the defendant's description
33 after seeing him flee the scene with the gun in his hand. After
34 being arrested and while being transported, the defendant made
35 several spontaneous incriminating statements, including inquiring
36 whether or not the victim was dead.

37 Considering that the defendant has no local ties or residence, his
38 attempt to flee the scene, the comments made during the arrest
39 process, and the seriousness of the consequences he faces, he is
40 not a suitable candidate for an own recognizance release. There
41 appears to be no reason to reduce bail.

42 Based on our investigation, an honor release is not recommended.
43 It is respectfully recommended that bail remain as set at \$500,000.

Respectfully submitted,

Carla Laubacher
Carla Laubacher
Deputy Probation Officer

Date: August 3, 1989

CL:mb43

Address: Unk

Stepparent: Unk

Occupation: Unk

Address: Unk

No. of Brothers: Unk Sisters: Unk Ages: Unk

Present/Former Spouse: Unk

Address: Unk

DEFENDANT'S CHILDREN

| <u>Name</u> | <u>Age</u> | <u>Custody</u> | <u>Supported By</u> |
|-------------|------------|----------------|---------------------|
| Unk | | | |

EMPLOYMENT RECORD

| <u>From</u> | <u>To</u> | <u>Employer</u> | <u>Type of Work</u> | <u>Salary</u> |
|-------------|-----------|-----------------------|---------------------|---------------|
| 1984 | 1989 | Conejo Valley Framing | Framer | Unk |

(Verified; the defendant worked off and on during that time period.)

No further employment history information was available.

CRIMINAL HISTORY

Present Arresting Agency: Ventura SO Date: 5-20-89

BI No: 155418

CII No: A09103577

FBI No: 619630KA2

The following information was obtained from a search of CII, FBI, DMV, and Ventura Superior and Municipal Court records:

| <u>Date</u> | <u>Agency</u> | <u>Charge</u> | <u>Disposition</u> |
|-------------|---------------|--------------------|--|
| 6-20-84 | Ventura SO | 23152(a) VC DUI | 563111-1. 8-8-84: PG 23152(a) VC, 36 mos CS, 48 hrs jl, \$750 fn, AIS-II. |

The defendant was traveling northbound on Highway 101 at approximately 2:30 a.m. on a motorcycle. As he exited the freeway at Carmen Drive, he was unable to negotiate an S-turn due to excessive speed. His motorcycle jumped the curb and struck a turn warning sign, coming to a stop 75 feet from the off-ramp. He was found by officers walking several feet from the accident. He

1 appeared intoxicated and failed field sobriety tests. His blood
2 alcohol level was found to be .21 percent. *Public*

3 3-13-86 Ventura SO 647(f) PC *Drunk in Public* Rel per 849b PC.

4 The defendant was arrested for being drunk in public. He was
5 observed to have blood shot eyes and slurred speech. He was held
in custody until he was sober and then released.

6 5-20-89 Ventura SO 187 PC CR24985. 11-13-89: FG
7 187(a) PC, 2nd deg,
8 P&S set for 12-11-89.
PRESENT MATTER

8 CIRCUMSTANCES OF OFFENSE:

9 The following information was obtained from Ventura Sheriff's
10 Office report number 89-36655, a transcript of the preliminary
11 hearing held on July 13, 1989 and conversations held with Deputy
12 District Attorney Richard Holmes and Deputy Public Defender Neil
13 Quinn.

14 ~~★~~ On May 19, 1989, at approximately 8:00 p.m., the defendant
15 mixed himself a drink at his residence and told his housemate, Alex
16 Morrissey (age 40), he was going to a bar. The defendant's
17 residence, 128 Burbank Avenue, Oxnard, was leased by the victim,
18 Thomas Day (age 33). The defendant rented a room from the victim
19 and had lived there approximately two years. Morrissey had been
20 renting the third bedroom for approximately two weeks prior to the
21 offense.

22 The defendant was seen by a friend of his, John Rogers, at the
23 Whale's Tail Restaurant at approximately 2:00 a.m. on May 20, 1989.
24 The defendant appeared intoxicated and asked Rogers for a ride
25 home. En route to the defendant's residence, the defendant took
26 a handgun out of his front pants pocket and showed it to Rogers,
27
28

1 telling him it was "for protection." The defendant told Rogers not
2 to mention the gun to anyone.

3 When Rogers and the defendant arrived at 128 Burbank, they met
4 Tracy Smith, a friend of Rogers', who recognized him and invited
5 him to their residence across the street, at 129 Burbank Avenue,
6 to play cards. The defendant and Rogers went across the street and
7 joined a group of five other people inside. There they "partied"
8 and played cards until approximately 3:00 a.m. The defendant's
9 mood was described by witnesses to be alternately despondent,
10 aggressive, angry, and morose. He became progressively more
11 intoxicated. All parties denied the use of drugs. At
12 approximately 3:00 a.m., a roommate woke up and complained of
13 noise, and the defendant and six of the party-goers moved the party
14 to the defendant's residence across the street.

15 At approximately 3:30 a.m., the victim walked into the living
16 room to complain about the noise, as he was trying to sleep.
17 According to witnesses, he told the defendant to "shut the fuck
18 up," and a heated discussion ensued. No blows were exchanged. The
19 others left the residence during the discussion, and the defendant
20 remained with the victim.

21 Morrissey, who was drifting in and out of sleep, heard the
22 raised voices and recalled hearing the victim say, "Thirty days and
23 you're out of here," which he interpreted to mean the victim had
24 given the defendant notice to move-out. He then drifted back to
25 sleep and was awakened by approximately four loud noises. He heard
26 a loud banging on his bedroom door. The door opened to reveal the
27 victim, who was bleeding. The victim told Morrissey to call an
28

1 ambulance. Morrissey dialed 911, and the ambulance arrived
2 approximately five minutes later.

3 A witness who was observing the defendant's house from inside
4 the residence at 129 Burbank saw the defendant across the street
5 pass his (the defendant's) living room window twice and then heard
6 the shots. He saw the defendant exit 128 Burbank with a gun in his
7 left hand. The defendant knocked on a neighbor's door and asked
8 to be let in; however, he was refused entry.

9 Officers found the defendant approximately one-half mile away
10 from the scene, pushing a stolen bicycle. He attempted to flee
11 when he saw the officers. Officers grabbed the defendant and a gun
12 flew out of his waistband during the struggle. The gun, a .38
13 caliber Rossi, was empty. Six casings were later found in the
14 front of the defendant's residence. The defendant was arrested for
15 a violation of 187 of the Penal Code and transported to Ventura
16 County Medical Center for a blood sample to be drawn. The
17 defendant was extremely agitated, hyperventilating, and screaming
18 obscenities continuously from the time of his arrest. He denied
19 any complicity in the shooting, but made admissions such as "I did
20 fucking society a favor," and "I hope I killed that mother fucker."
21 At one point, he asked an officer "Is Tom dead?" and then under his
22 breath said "He'd better be dead. I put six fucking rounds in
23 him."

24 The victim was transported to the hospital and was pronounced
25 dead at 4:34 a.m. He received five gunshot wounds: One bullet
26 entered the back of the neck and exited the front of the neck; one
27 bullet entered the back of the left shoulder and lodged in the
28

1 chest, perforating the left lung and left hemothorax; a third
2 bullet entered the back and exited the left chest, also perforating
3 the left lung and hemothorax; a fourth bullet entered the right
4 chest and exited the left back, perforating the right lung,
5 vertebral column, and right hemothorax; a fifth bullet grazed the
6 right lower arm. Following an autopsy, Ronald O'Halloran, M.D.,
7 proclaimed the cause of death to be gunshot wounds to the chest.
8 Two of the wounds were reported to have made at close range.

9 The defendant's blood alcohol level was found to be .26
10 percent, and a blood sample revealed the presence of cocaine.

11 Witnesses later stated that the defendant had recently been
12 laid off from work and was also upset by his girlfriend's refusal
13 to continue their relationship.

14 A search warrant was obtained, and the defendant's residence
15 was searched. Four bullet holes were found in the bedspread,
16 blankets, and top sheet. One bullet shattered a sliding glass
17 door, and was not found. One slug was found in the wall. Three
18 expended bullets were recovered from the floor under the carpet.

19 DEFENDANT'S STATEMENT:

20 The defendant refused to be interviewed by the probation
21 officer; therefore, no information was obtained.

22 VICTIM INFORMATION:

23 Ms. Betty Crawford, the deceased victim's mother, was
24 contacted on December 1, 1989, and was reluctant to talk about her
25 feelings regarding the case, other than to say she hoped the
26 defendant would receive the maximum sentence. She did not suffer
27 a financial loss, as the victim's insurance covered all expenses.
28

1 She submitted a letter which is attached to and made a part of this
2 report.

3 FINANCIAL STATUS:

4 Unknown.

5 TIME IN CUSTODY/JAIL INCIDENT REPORTS:

6 The defendant was arrested on May 20, 1989, and has remained
7 in continuous custody for a total of 206 days actual time. The
8 defendant has received four minor write-ups since his initial
9 booking date, for which he was advised. He has received one major
10 write-up for disrespect, which is pending.

11 EVALUATION:

12 Sentencing Alternatives: Violation of Section 187 of the
13 Penal Code, second degree, is a nonalternative felony, punishable
14 by a commitment of 15 years to life in state prison.

15 The use of a firearm allegation was found to be true, pursuant
16 to Section 12022.5(a) of the Penal Code, which carries an
17 additional term of two years.

18 The defendant is ineligible for probation, pursuant to Section
19 1203.06 of the Penal Code.

20 Analysis: In the instant matter, the defendant shot the
21 victim five times during an unwitnessed argument. As he is
22 ineligible for probation, and must receive an indeterminate
23 sentence, the only sentencing alternative that needs to be
24 addressed concerns the imposition of the additional two years for
25 the 12022.5(a) Penal Code enhancement. There appear to be no
26 mitigating circumstances that would justify striking the punishment
27 for the enhancement. In addition, as this sentence is an
28

1 indeterminate one, the defendant should serve the time for the
2 enhancement before serving the sentence for the primary offense.

3 RECOMMENDATION:

4 It is respectfully recommended that:

5 The defendant be sentenced to state prison for 15 years to
6 life, to be served consecutive to the two year enhancement for the
7 use of a firearm.

8
9 Respectfully submitted,

10
11
12 Elizabeth A. Krene
Deputy Probation Officer

13
14
15 Lawrence Dobbs; 654-2109
Supervising DPO

16 THE WITHIN AND FOREGOING REPORT
17 OF PROBATION OFFICER HAS BEEN
18 READ AND CONSIDERED BY ME THIS
____ DAY OF DECEMBER, 1989.

19
20 JUDGE OF THE SUPERIOR COURT

21 EAK:ne127
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